

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street**

6:00 P.M.

AGENDA

Monday, April 5, 2010

REGULAR MEETING

CALL TO ORDER & ROLL CALL—COUNCILMEMBER DEERING ABSENT
INVOCATION will be given by Pastor Ken Bernard, Good Shepherd Lutheran Church
PLEDGE OF ALLEGIANCE

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

The Regular Meeting minutes of March 15, 2010. **MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

2. AWARDS/RECOGNITION

Employee Service Awards

In appreciation for their hard work, dedication, and loyalty, the Mayor and Council would like to recognize employees who have reached years of service milestones, beginning at five years of service and continuing at each five year interval. Tonight the Mayor and Council hereby convey their earnest appreciation to:

30	Doug Bradley	Assistant Fire Chief	Fire
		Parks & Recreation	
25	Darel Fruhwirth	Director	Parks & Recreation
15	Gary Turnbow	Fire Captain	Fire
		Human Resources/Risk	Human Resources/Risk
15	Jackie Walker	Management Director	Management
15	Gary Marks	Irrigation Mechanic	Golf Course
15	Diane Richards	Budget Analyst	Finance
10	Max Perea	Groundskeeper	Parks
10	Richard Winn	Groundskeeper	Parks
10	Rick Pierce	Electrician	Water Operations
5	Judy Bell	Transit Operator	KART
5	Mike Mitchell	Engineering Technician I	Engineering
		Customer Service	
5	Nissa Crain	Representative	Finance
5	Gary Hinshaw	Chemical Applicator	Parks
5	Melody McGeorge	Administrative Assistant	Engineering
5	Sean Osterman	Communications Specialist	Police

5 Tabatha Austin Communications Specialist Police

Additionally, the Mayor and Council would like to congratulate the following individuals on their retirement from the City of Kingman.

Greg Duncan, Fire Battalion Chief, 25.7 years of service
Linda Kaufman, Engineering Administrative Assistance, 25.7 years of service
Keith Adams, Recreation Director, 22.11 years of service
Debbie Casson, Assistant City Engineer, 21.6 years of service
Robert Ware, Engineering Survey Party Chief, 10.6 years of service

Finally, the Mayor and Council would like to recognize members of the Kingman Fire Department for their accomplishments:

Badge Pinning Ceremony for the promotions of:

Firefighter, David Foster
Engineer, Tanner Miller
Captain, Dan Winder
Battalion Chief, Roger Dixon

Completion of 120 hours of Technical Rescue Training:

Roger Dixon, Battalion Chief
Ron "Rink" Gordon, Captain
Dan Winder, Captain
Andrew Rucker, Engineer

Kelly Johnson, Engineer, was injured during the course of this valuable training and will hopefully complete the course some time this year.

3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 3 minutes.

4. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Special Event Liquor License Application

Agent and Applicant Thomas Spear of the Historic Route 66 Association of Arizona, has applied for a Special Event Liquor License for a Scholarship Fundraising Dinner, May 1, 2010, from 5:30 p.m. to 10:00 p.m., to be held at the Powerhouse, located at 120 Andy Devine Ave., Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

b. Authorization for the acceptance of a quit claim deed from Black Mesa Pipeline, Inc.

Black Mesa Pipeline intends to dispose of all their interest in the coal slurry pipeline that runs through Kingman. The quit claim deed would abandon their interest in the pipeline and accompanying easement that runs through city-owned property and City of Kingman right-of-way. This eighteen inch pipeline is no longer in service. The interior has been sealed with epoxy and it is currently full of water. The city would be taking on additional liability for the maintenance of the line, but could realize significant savings if or when it was reused as a conduit for future water/reclaimed water line extensions. **Staff recommends authorizing the Mayor to sign the acceptance statement for a quit claim deed from Black Mesa Pipeline, Inc. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

c. One Year Review of Conditional Use Permit (CUP) #08-007

On February 2, 2009, the City Council adopted Resolution #4585, which awarded a CUP to Richard and Diana Anderson to erect a 53-foot high wind turbine on their 2.42 acre lot where their single-family house is located at 525 Lomas Flojas Street. After one year of this wind turbine being on-site no surrounding property owners have commented or complained. **The Planning and Zoning Commission and staff recommend continuation of this conditional use permit. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

d. Resolution No. 4664—designating April 2010 as Fair Housing Month

Under the City of Kingman Arizona Department of Housing Community Development Block Grant (CDBG) Contract agreement, we are required to undertake certain Fair Housing activities each year. One such activity is to designate one month of the year as Fair Housing Month. Resolution No. 4664 designates April 2010 as Fair Housing Month in Kingman. **Staff recommends approval of Resolution No. 4664. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

e. Resolution No. 4667—designating the Public Works Director and Kingman Fire Battalion Chief as the applicant agents for requests for public assistance through the Arizona Division of Emergency Management.

The Arizona Division of Emergency Management requires that a local government designate an applicant agent to be eligible for reimbursement of costs associated with emergency response. The City of Kingman has prepared an application for funding of a portion of the costs associated with the city's response to the January 2010 winter storm event. Council designation of an applicant agent is necessary for our application to be considered. **Staff recommends approval of Resolution No. 4667. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

f. Tri-City Regional Connector Service

At the Tri-City Council meeting of January 13, 2010, the three Transit Managers were directed to review city transit service as operators or a private agency to provide the service and then formulate a recommendation to present to the Tri-City Council at the April meeting and present to their individual City Councils before the April Tri-City Council meeting. The three transit agencies reviewed the study and recommendations for starting service would be a private provider as the city run transit systems are not in a position to expand service or operate another service at this time and KART would be the lead entity. IGA'S would be developed with Bullhead City if approved by the Council. **With revenues locally and at the state level facing either unstable or record deficit economic conditions, the recommendation, at this time, would be to not proceed with the Tri-City Regional Connector service. This could be reviewed on an annual basis during the Section 5311 grant application process and if economic conditions improve, it might move**

forward. MOTION TO APPROVE RECOMMENDATION TO NOT PROCEED WAS PASSED BY A VOTE OF 5-0 WITH COUNCILMEMBER GORDON ABSTAINING.

g. Change Order No. 3 to Sletten Companies for the Hilltop Wastewater Treatment Plant, Engineering Contract ENG08-083

Change Order No. 3 accounts for various minor additions and subtractions to the project. These changes were requested by City staff and our Consultant, Brown & Caldwell. This change order includes the following items: adding a concrete pad for the generator and electric transformer, adding isolation valves, and modifying the effluent discharge per ADEQ requirements. This Change Order results in a net increase to the Contract of \$13,102 which will be paid from the WIFA Loan. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

h. Community Development Block Grant (CDBG) Contract #126-09 change order to Purchase Order #19366

At the City Council Meeting of March 1, 2010, Council approved the purchase of replacement kitchen equipment for the Senior Center Nutrition Center at 1776 Airway Ave., in Kingman. The contract was approved and awarded to Arizona Restaurant Supply Inc. in the amount of \$48,131.01. This approved amount did not include sales tax or freight costs in the amount of \$3,076.82. Staff is asking council to approve a change order in the amount of \$3,076.82 which includes the cost of freight and sales tax. The new contract amount for this purchase is \$51,207.83. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

i. Amendment No. 7 to the Agreement with Brown & Caldwell for Services related to the expansion and upgrade of the Hilltop Wastewater Treatment Plant

Brown & Caldwell has expended more time on services related to the Hilltop Wastewater Treatment Plant than as originally anticipated. Most of this additional time and effort has been in the areas of Construction Management and Inspection services. There has also been additional time for Engineering for construction and permitting related issues. Staff requested that Brown & Caldwell provide an additional scope of work based on the expected work projections for the remainder of the project. The attached fee of \$ 887,442 is a not to exceed amount and will be paid from the WIFA Design Loan. **Staff recommends that Amendment No. 7 to the Agreement with Brown & Caldwell be approved and that the Mayor be authorized to sign the amendment. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

5. OLD BUSINESS

None

6. NEW BUSINESS

a. Public Hearing—Resolution No. 4665 to approve a conditional use permit (CUP) in a C-3 zoning district, to allow a two faced monopole billboard sign on property at 3000 E. Andy Devine.

Stephen and Shirley Kleppe, property owner, Lamar Outdoor Advertising, applicant, have requested a CUP to allow an off-premise billboard on property zoned C-3 at 3000 E. Andy Devine Avenue. The subject property is zoned C-3, Commercial: Service Business, and the billboard is proposed to

be located in the front, southwest corner of the Sonic Drive In property, not to over hang any other property or the public right of way. The steel monopole off-premise sign is proposed to have two faces, and to be 30 feet in height, and with faces not greater than 288 square feet per sign face. The CUP request was reviewed by the Kingman Planning and Zoning Commission and the Commission recommended approval by a 4-2 vote, with one abstaining. One property owner objected to the proposal in writing. **The Planning and Zoning Commission recommended approval however staff does not concur and recommends denial. MOTION TO DENY C.U.P. WAS APPROVED BY A VOTE OF 6-0**

b. Public Hearing—Resolution No. 4666 to approve a conditional use permit (CUP) for commercial off-street parking in conjunction with an adjacent permitted commercial use, St. Mary’s Catholic Church.

Architectural Resource Team, applicant and agent, for the Roman Catholic Church of the Diocese of Phoenix, property owner, for a CUP to allow commercial off-street parking in conjunction with St. Mary’s Catholic Church at 302. E. Spring Street. The subject property on which the parking lot is to be constructed is approximately 13,830 square feet and is located at the northwest corner of N. Third Street and E. Spring Street, opposite St. Mary’s Church. The zoning of the subject property is R-2: Residential, Multiple Family, Low Density which allows commercial off-street parking in conjunction with an adjacent permitted commercial use. Staff has reviewed the application and has found that it complies with the required findings of a CUP. Staff is recommending several modifications to the submitted parking lot plan so that it complies with city parking standards. The Planning and Zoning Commission recommended approval of the CUP request with the staff recommended conditions by a vote of 6-0 with one abstaining. **Staff recommends approval of Resolution No. 4666. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

c. Public Hearing—Ordinance No. 1675 to amend Section 13.000 Commercial Service Business, Subsection 13.220 Uses Which May Be Permitted by Conditional Use Permit (CUP) of the Kingman Zoning Ordinance.

This is a request from UNS Electric, Inc., applicant, for a text amendment to Section 13.000 Commercial Service Business, Subsection 13.220 Uses which may be permitted by CUP of the City of Kingman Zoning Ordinance to allow the storage of flammable and combustible liquids in an above-ground storage tank with a maximum 15,000 gallon capacity by CUP. The storage of such liquids would be for use in vehicles associated with permitted on-premise activities. The objective of this request would be to allow UNS Electric the ability to request a CUP to allow the installation of an above-ground tank at their facility at 2290 Airway Avenue. The Planning Zoning Commission approved the request by a vote of 5-2. **Staff recommends approval of Ordinance No. 1675. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

7. DEPARTMENT REPORTS

Budget Calendar---Finance Director Coral Loyd

8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

9. EXECUTIVE SESSION

Resolution No. 4669—Acquisition of real property for the Hilltop Wastewater Treatment Plant (HTWWTP)

To secure the permits necessary to operate the HTWWTP the City of Kingman must acquire a “buffer zone” of 1000 feet around the facility as per Arizona statutes and administrative codes. The City has

been in negotiations with a land owner to acquire the necessary real property. The City Manager needs authorization by the Mayor and Common Council to further these negotiations or to proceed with condemnation by eminent domain action. The City is working with Andrew McGuire of Gust Rosenfeld to proceed with this action. The Mayor and Common Council may wish to go into executive session to discussion the options available regarding the purchase or condemnation of this real property pursuant to:

38-431.03. Executive sessions

A. Upon a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:

4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0

ADJOURNMENT—MOTION TO ADJOURN WAS PASSED BY A VOTE OF 6-0

Posted_____by_____